

Smith, Clifford L.

10/798,768

III. Remarks Concerning the Declaration and Power of Attorney

Applicant has submitted a substitute declaration and a substitute power of attorney, each of which is signed and dated by the inventor. Both documents are otherwise identical to those originally filed, except for the supplemental notation of the application number, filing date, art unit and examiner name in the heading.

IV. Remarks Concerning the Claim Amendments

Applicant thanks the Examiner for the careful and thorough examination of the present application. By this submission independent Claim 1 and a number of the dependent claims (4, 7, and 8) are amended to more precisely point out the subject matter that the applicant claims as the invention. No new matter has been added. Also, by this amendment, Claims 17 through 25 are canceled. Claims 1-16 remain pending in the application.

V. Response to Examiner's Section 103 Rejections

To establish a prima facie case of obviousness, [1] there must be some suggestion or motivation to modify the reference or combine the reference teachings; [2] there must be some reasonable expectation of success; and [3] the prior art must teach or suggest all the claim limitations. MPEP § 706.02(j).

The Becker patent (DE 3829007) does not teach or suggest all the claim limitations of the present invention. The Becker patent is limited expressly to electroless nickel, which is known to those skilled in the art to have substantial limitations in its use for general plating purposes. Further, the Becker disclosure claims very thin layers of plating material; around the 20 µm range in claim 3.

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The current invention claims a layer of plating material greater than seven times that referenced thickness.

The Becker patent, specifically, and the prior art in general, provide no basis for a reasonable expectation of success in plating thicknesses greater than seven times the referenced thickness. Since no basis for a reasonable expectation of success is provided by the prior art it is inappropriate to find that it would be obvious to modify the current invention in such a way.

The Becker disclosure would not motivate one skilled in the art to modify the art of Becker and the prior art to practice the current invention as presently claimed. Instead, Becker teaches away from the current invention by expressly teaching to restrict the thickness of the electroless nickel layer, and states that an optimal thickness is in a range around 20 μm ; a thickness that is a fraction of the thickness being taught in the current invention. (Becker, pg. 4, para. 2.) Additionally, the prior art knows that since electroless nickel is a chemical bonding process that takes time to create thickness, it is not suitable for thick plating applications.

VI. Conclusion

The substitute declaration and power of attorney now properly document the statements previously submitted by the inventor with the original application filing.

The cited prior art does not meet any of the requirements to establish a prima facie case for obviousness. The independent claim of the current invention possesses elements not found in the prior art. Neither does the prior art suggest or motivate one to modify the reference or combine the reference teachings. Even if one were to consider making the suggested modification, there is no teaching in the prior art that would provide support for some reasonable expectation of success. Therefore, a finding of obviousness as a basis for rejection of allowance is unfounded.

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As amended, Claim 1 should now be suitable for allowance.

Since all the remaining claims depend from Claim 1, all of the remaining claims should also be suitable for allowance.

The applicants respectfully request reconsideration of the rejection of these claims.

Respectfully submitted,



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